

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has decreased.

Election/Restriction

Claims 97-116 have been withdrawn as relating to a process of making the product of Claim 1, and these claims depend from Claim 1. Pursuant to MPEP 821.04, Applicants understand Claims 97-116 are to be rejoined upon the allowance of the base Claim 1.

Amendment to the Claims

Applicants canceled Claim 69 as redundant in view of limitations of base Claim 57. Applicants amended Claim 70 to depend from Claim 57 instead of canceled Claim 69. No new matter has been added to the claims by this Amendment.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-3, 6, 8-11, 13, 14, 17-22, 25-30, 32-34, 41, 45-60, 63, 65, 67-71, 75, 76, 78-80, and 87 under 35 U.S.C. §102(e) as anticipated by Tanzer et al., U.S. Patent 6,429,350, is respectfully traversed.

Applicants' invention of independent Claims 1 and 57 includes a superabsorbent material bonded to surge material. The Tanzer et al. Patent does not disclose bonding a superabsorbent material to a surge material. The Tanzer et al. Patent discloses forming a plurality of pockets within a surge material and filling the pockets with particulate superabsorbent material (Abstract; Col. 4, lines 4-21; Col. 5, lines 13-16). The superabsorbent particles deposited in the pockets are not bonded to the surge material. As the Tanzer et al. Patent does not disclose a superabsorbent material bonded to a surge material in a discrete region, as in Applicants' claimed invention, the Tanzer et al. Patent does not teach each and every limitation of Claims 1 and 57.

For at least the above reasons, Claims 1 and 57 are not anticipated by the Tanzer et al. Patent. The remaining claims depend from one of Claims 1 and 57, and are thus patentable for at least the same reasons discussed above.

On page 5 of the Office Action, the Examiner indicated particular claims are product by process claims. Applicants respectfully assert at least Claims 17-20, 45-47, and 71 are not product by process claims. These claims recite observable/measurable structural limitations. Reconsideration of these claims is requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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